

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RICHARD KIRBY,

Plaintiff,

v.

No. CIV 08-659 JCH/LFG

ROBERT EZELL, SHANNON  
McREYNOLDS, and MAJOR  
HORTON,

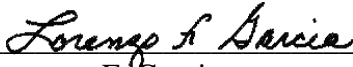
Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL  
AND REQUEST CERTIFICATE OF APPEALABILITY**

THIS MATTER comes before the Court on Plaintiff's Notice of Change of Address and Request for Extension of Time to Request Certificate of Appealability and File Notice of Appeal [Doc. 69], filed November 25, 2009. No response is necessary.

Plaintiff states he was recently extradited to Kansas and does not have all of his legal files with him at present. He asks for a 30-day extension of time to file a Request for Certificate of Appealability and Notice of Appeal. The request having been made within the 30-day period set forth in FED. R. APP. P. 4(a)(1) and (5), and Plaintiff having shown good cause therefor,

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time to Request Certificate of Appealability and File Notice of appeal [Doc. 69] is granted. The time for filing the Notice of Appeal is extended by 30 days.

  
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Lorenzo F. Garcia  
United States Magistrate Judge